

## **REMARKS**

In the Office Action, the Examiner objected to the drawings; rejected claims 30-46 under 35 U.S.C. §101; rejected claims 1-6, 11-14, 16, 18, 21, 23-29, 31-34, 36, 37, 39-41, 45 and 46 under 35 U.S.C. §102(a); and rejected claims 7-10, 15, 17, 19, 20, 22, 30, 35, 38 and 42-44 under 35 U.S.C. §103(a). These objections and rejections are fully traversed below.

The specification has been amended to update the Cross-Reference to Related Applications section. Claims 1, 6, 11 and 31-46 have been amended to further clarify the subject matter regarded as the invention. Withdrawn claims 47-49 have been cancelled without prejudice or disclaimer. Claims 1-46 remain pending. Reconsideration of the application is respectfully requested based on the following remarks.

### **Objection to the Drawings**

In the Office Action, the Examiner objected to the drawings under 37 CFR 1.83(a). The Examiner presumably alleges that the subject matter of claims 14, 17-19, 37 and 45 are not shown in the drawings. Applicants respectfully disagree. As detailed below, the drawings as originally filed show the features of claims 14, 17-19, 37 and 45.

Claim 14, for example see Fig. 6 (e.g., "Cleared For Sale")

Claim 17, for example see Fig. 3, #208, and Fig. 3A, #302 and #304

Claim 18, for example see Fig. 3, #208, and Fig. 3A, #302 and #304

Claim 19, for example see Fig. 6 (e.g., "Cleared For Sale")

Claim 37, for example see Fig. 6 (e.g., "Cleared For Sale")

Claim 45, for example see Fig. 1, #102; Fig. 2, #212; Fig. 3B, #322; and Fig. 8, #806 Accordingly, it is respectfully requested that the objection to the drawings under 37 CFR 1.83(a) be withdrawn.

### **Rejection of Claims 30-46 under 35 USC 101**

In the Office Action, the Examiner rejected claims 30-46 under 35 USC §101 alleging that these claims are directed towards non-statutory subject matter. Applicants respectfully disagree. Applicants assume that the Examiner intended to reject only claims 31-46 under 35 USC §101, since claim 30 is a method claim. The nature of the computer program code recited in these claims is sufficiently tangible, physical and/or functional to satisfy the requirements of 35 U.S.C. §101. Additionally, to expedite prosecution of this application, Applicants have amended paragraph [0059] of the specification and amended claims 31-46 to clarify the tangible nature of the claimed invention. As suggested by the Examiner, claims 31-46 now pertain to a computer readable storage medium. Therefore, it is submitted that claims 31-46 as currently presented or as originally filed clearly satisfy the requirements of 35 U.S.C. §101.

Accordingly, it is respectfully requested that the Examiner withdraw the rejection to claims 30-46 under 35 U.S.C. §101.

### **Patentability of Claims 1-46**

In the Office Action, the Examiner rejected claims 1-6, 11-14, 16, 18, 21, 23-29, 31-34, 36, 37, 39-41, 45 and 46 under 35 U.S.C. §102(a) as being anticipated by Wiser et al., U.S. Patent 6,385,596; rejected claims 17, 19 and 35 under 35 U.S.C. §103(a) as being unpatentable by Wiser et al.; rejected claims 7-10, 22, 30 and 42-44 under 35 U.S.C. §103(a) as being unpatentable by Wiser et al. in view of Official Notice; and rejected claims 15, 20 and 38 under 35 U.S.C. §103(a) as being unpatentable by Wiser et al. in view of Marsh, U.S. Patent 7,073,193. Applicants respectfully disagree and fully traverse these rejections below.

Claim 1 pertains to a method for submission of a media collection to a media distribution site. The method obtains metadata for the media collection as well as for a plurality of media items to be included in the media collection. Additionally, media content for the plurality of media items can be identified and converted into compressed media files. Among other things, claim 1 recites:

obtaining metadata for the media collection;

identifying media content for a plurality of media items to be included in the media collection, the media content being imported from a media source, each of the media items including a different audio track;

converting the identified media content for the plurality of media items into compressed media files, said converting encodes the media content for each of the media items into a compressed audio format;

obtaining metadata for the identified media content;

Wiser et al. is an online music distribution system in which submission of audio data to the online music distribution system is only generally referenced. While Wiser et al. describes an online music distribution system, Wiser et al. pertains only to an individual audio file. Fig. 2 illustrates a media data file 200. The media data file 200 includes media descriptive data 204 and one or more media data chunks 206. Each of the one or more media data chunks 208 includes audio images 208. “Each image 208 encodes either the entire song file or a portion thereof.” Wiser et al., col. 7, lines 9-10.

Hence, Wiser et al. does not teach or suggest submission of a media collection. The media data file 200 in Wiser et al. is only for a single audio file. As such, Wiser et al. does not teach or suggest “obtaining metadata for the media collection” as recited in claim 1. Further, Wiser et al. also does not identify “media content for a plurality of media items to be included in the media collection,” where each of the media items includes a different audio track. The media data chunks 308 and the audio images 208 in the media data file 200 in Wiser et al. pertain to a single audio file, and thus do not teach or suggest a media collection or identification of a plurality of media items (each of which includes a different audio track) to be included in the media collection.

Furthermore, in contrast to claim 1, Wiser et al. does not teach or suggest converting the identified media content for the plurality of media items (to be included in the media collection) into compressed media files. Here, as recited in claim 1, media content for each of the media items is converted into a compressed audio format. The Examiner references column 6, lines 53-58 of Wiser et al. as allegedly teaching such converting. Such portion of Wiser et al. discusses a header 202 for a media data file 200, but does not teach or suggest forming compressed media files having a compressed audio format. Also it is noted that column 7, lines 4-16 of Wiser et al.

merely mentions that audio images 208 can be watermarked, compressed and encrypted “to provide different quality levels on playback, using different sampling rates and compression levels.” Hence, Wiser et al. is unable to teach or suggest converting identified media content for a plurality of media items into compressed media files, or encoding the media content for each of the media items into a compressed audio format.

Furthermore, in rejecting certain claim, the Examiner takes Official Notice of certain “concepts and advantages”. Applicants make a seasonable challenge to the taking of Official Notice. Also, there is inadequate motivation of record to combine the Official Notice with Wiser et al.

Neither the Official Notice taken by the Examiner nor Marsh are able to overcome the deficiencies of Wiser et al. noted above.

Accordingly, it is submitted that claim 1 is also patentably distinct from Wiser et al., alone or in combination with Marsh or the Official Notice.

In addition, claim 31 pertains to a computer readable storage medium that includes computer program code that can operate similar to the method discussed above regarding claim 1. As such, for at least reasons similar to those noted above with respect to claim 1, it is submitted that claim 31 is also patentably distinct from Wiser et al., alone or in combination with Marsh or the Official Notice.

Based on the foregoing, it is submitted that claims 1 and 31 are patentably distinct from Wiser et al., alone or in combination with Marsh or the Official Notice. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, it is respectfully requested that the Examiner withdraw the rejection to claims 1-46 under 35 U.S.C. §103(a).

## **SUMMARY**

It is submitted that the objections to the drawings have been traversed. In addition, it is submitted that claims 30-46 satisfy the requirements of 35 U.S.C. §101. It is also submitted that claims 1-46 are patentably distinct from the cited references.

Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 504298 (Order No. 101-P291).

Respectfully submitted,

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